

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

CENTRAL STATES, SOUTHEAST )  
AND SOUTHWEST AREAS HEALTH )  
AND WELFARE FUND and HOWARD )  
MCDOUGALL, Trustee, )  
                                  )  
                                 Plaintiffs, ) Case No. 09 CV 0784  
                                  )  
                                 vs. ) Judge Virginia Kendall  
                                  )  
ABLE TRUCKING, INC., an Ohio )  
corporation, )  
                                  )  
                                 Defendant. )

**MOTION FOR ENTRY OF CONSENT JUDGMENT**

Plaintiffs, the Central States, Southeast and Southwest Areas Health and Welfare Fund and Howard McDougall, one of its trustees (collectively, "Welfare Fund"), hereby move this Court for entry of a Consent Judgment. In support of this Motion, the Welfare Fund states as follows:

1. The Welfare Fund filed this action on February 9, 2009, under the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. § 1001, et seq., to collect delinquent health and welfare contributions from the Defendant for the period of July through November 2008.
2. On February 25, 2009, the Defendant was served with a copy of the summons and complaint by service upon its registered agent, Frank Abramczyk. A true and correct copy of the return of service is attached hereto as Exhibit A.
3. An initial status hearing is set in this case for April 21, 2009.

4. On March 5, 2009, the undersigned was contacted by Stewart Mandel, counsel for Defendant. Mr. Mandel advised that the Defendant would not be defending against the Plaintiffs' complaint.

5. On March 12, 2009, Mr. Mandel advised the undersigned that Able has agreed to enter into a Consent Judgment in the form which is attached hereto as Exhibit B.

**WHEREFORE**, Plaintiffs respectfully request that this Court enter the Consent Judgment in the form attached hereto as Exhibit B.

Respectfully submitted,

s/Cathy L. Rath  
Cathy L. Rath (ARDC # 06275744)  
Attorney for Plaintiffs  
Central States, Southeast and  
Southwest Areas Health and Welfare  
Fund  
9377 W. Higgins Road  
Rosemont, IL 60018  
(847) 518-9800, Ext. 2343

March 20, 2009

## **CERTIFICATE OF SERVICE**

I, Cathy L. Rath, one of the attorneys for Plaintiffs, Central States, Southeast and Southwest Areas Health and Welfare Fund, certify that I caused the foregoing Notice of Motion and Motion for Entry of Consent Judgment to be filed electronically. This filing was served on all parties indicated on the electronic filing receipt via the Court's electronic filing system and to:

Able Trucking, Inc.  
c/o Frank Abramczyk, registered agent  
7632 Hub Parkway  
Valley View, OH 44125

Said Notice and Motion were deposited in the United States Mail at 9377 West Higgins Road, Rosemont, Illinois, 60018-4938, with proper prepaid postage affixed thereto, this 20<sup>th</sup> day of March, 2009.

s/ Cathy L. Rath

Cathy L. Rath  
One of Central States' Attorneys